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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,252	12/03/2001	Hawley K. Rising III	080398.P427	9370

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/005,252

Applicant(s)

RISING ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All. b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/04, 5/30/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 39-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how a medium can provide instructions. It is suggested that in claims 39-41, lines 1-2, "A computer readable medium that provide instructions ...perform operation comprising " needed to be changed to – A computer readable medium encoded with a computer program instructions, which when read and executed by a processor to control an apparatus to perform an operation method comprising the steps of --

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15, 17, 20-34 and 37-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi et al (6,665,442).

Regarding claims 1, 9, 21, 23, 30-31 and 37-41, Sekiguchi discloses a method for processing descriptions of audiovisual content (column 39, line 40 to column 40, line 25), the method comprising:

- creating a first description of audiovisual content;
- defining information pertaining to reuse of the first description; and
- storing the first description and the information pertaining to reuse of the first description in a repository of descriptive data to enable subsequent reuse of the first description (column 44).

Regarding claims 2, 20, 24 and 32, Sekiguchi teaches the method of claim 1 wherein the first description is a semantic description (column 4, lines 1-50).

Regarding claims 3, 11, 25 and 33, Sekiguchi teaches the method of claim 1 wherein the first description is a description scheme column 39, lines 40-50).

Regarding claims 4, 12, 16 and 34 Sekiguchi further teaches the method of claim 1 wherein the information pertaining to reuse of the first description indicates whether the first description can be embedded into a second description of audiovisual content without changing an intended meaning of the first description (column 39, lines 50-65).

Regarding claims 5 and 27, Sekiguchi further teaches the method of claim 1 wherein the information pertaining to reuse of the first description indicates whether the first description can be divided into a plurality of partial descriptions, each of the plurality of partial descriptions being suitable for subsequent reuse (column 40, lines 10-25).

Regarding claims 6 and 28, Sekiguchi further teaches the method of claim 1 wherein the information pertaining to reuse of the first description indicates whether the first description can be transformed when reused to create a second description of audiovisual content (column 39, lines 50-65).

Regarding claims 7 and 29, Sekiguchi further teaches the method of claim 1 wherein the information pertaining to reuse of the first description indicates whether the first description can maintain transitive capability if the first description is reused to create a second description of audiovisual content (column 39, lines 40-65)

Regarding claims 8 and 13, Sekiguchi further teaches the method of claim 1 further comprising: reusing a plurality of descriptions stored in one or more repositories of

descriptive data a number of times to provide de facto standardization of the plurality of descriptions by category (column 40, lines 5-25).

Regarding claim 9, Sekiguchi discloses a method for reusing descriptions of audiovisual content (column 39, lines 28 to column 4, lines 25, column 44), the method comprising:

finding existing descriptive data that should be included in a new description of audiovisual content;

analyzing reuse information associated with the descriptive data; and

creating the new description using the existing descriptive data and the associated reuse information (column 39, line 60 to column 40, line 25).

Regarding claim 10, Sekiguchi further teaches the new description is a semantic description (column 43, lines 5-25).

Regarding claim 11, Sekiguchi further teaches the new description is a description scheme.

scheme (column 43, lines 4-25).

Regarding claim 12, Sekiguchi further teaches the descriptive data is at least a portion of one or more existing descriptions of audiovisual content. (column 43, line 5-20).

Regarding claim 13, Sekiguchi further teaches retrieving the descriptive data from one or more repositories of descriptive data (Fig. 10).

Regarding claim 14,, Sekiguchi teaches the method of claim 9 wherein creating the new description further comprises:

- converting the existing descriptive data into a partial description; and
- mapping the partial description to the new description (column 39, lines 60-64).

Regarding claim 15, Sekiguchi teaches the method of claim 9 wherein creating the new description further

comprises:

- accessing a portion of the existing descriptive data in a repository of descriptive data; and

- mapping the portion of the existing descriptive data to the new description (column 39 lines 50-68).

Regarding claim 17, Sekiguchi further teaches the method of claim 9 wherein creating the new description further comprises:

including a reference to the existing descriptive data into the new description (column 39, lines 60-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 16, 18-19 and 35-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiguchi et al in view of Official Notice

Regarding claims 16, 18-19 and 35-36, Sekiguchi fails to teaches using dictionary mapping of object in the description for the description, mechanism for

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performing graph operations and the new description is created using an object oriented inheritance mechanism. However, it is noted that using dictionary mapping, mechanism for performing graph operations and the description is created using a object oriented inheritance graph is well known in the art. See specification page 21 of the present application. Therefore official notice is taken and it would have been obvious to one of ordinary skill in the art to modify Sekiguchi by using dictionary mapping object, mechanism for performing graph operations and object oriented inheritance graph for the description as alternative method for creating the description.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N


HUY NGUYEN
PRIMARY EXAMINER